

THE STATE OF TEXAS §

COUNTY OF CAMERON §

BE IT REMEMBERED on the 16th day of AUGUST, 1993 there was conducted a REGULAR Session of the Honorable Commissioners' Court of Cameron County, Texas, at the Courthouse thereof, in the City of Brownsville, Texas, for the purpose of transacting any and all business that may lawfully be brought before the same.

THE COURT MET AT:
9:15 A. M.

PRESENT:
ANTONIO O. GARZA, JR.
COUNTY JUDGE

LUCINO ROSENBAUM, JR.
COMMISSIONER, PRECINCT NO. 1

CARLOS H. CASCOS
COMMISSIONER, PRECINCT NO. 2

JAMES R. MATZ
COMMISSIONER, PRECINCT NO. 3

NATIVIDAD VALENCIA
COMMISSIONER, PRECINCT NO. 4

PRISCILLA J. KEE, Deputy
COUNTY CLERK

ABSENT:

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The meeting was called to order by Judge Antonio O. Garza, Jr. He then asked Mr. Rayburn MacNelly, County Auditor, to lead the Court and the audience in reciting the Pledge of Allegiance to the Flag and requested a moment of silence in memory of Mr. Adolph Thomae, former County Commissioner of Precinct No. 3 for twenty-eight (28) years, who passed away on Saturday, August 14, 1993.

The Court considered the following matters as posted and filed for Record in the Office of the County Clerk on August 13, 1993 at 9:02 A. M.

(1) APPROVAL OF COUNTY CLAIMS

At this time, Mr. Rayburn MacNelly, County Auditor, presented a late claim as to the Law Firm of Black, Hamilton, Roerig and Oliveira, Brownsville, Texas, Warrant No. 83301 in the amount of \$6813.72, for approval.

Commissioner Valencia moved that the County Claims as presented, inclusive of the late claim as to the Firm of Black, Hamilton, Roerig and Oliveira, Brownsville, Texas, Warrant No. 83301 in the amount of \$6813.72 be approved as recommended by the County Auditor.

The motion was seconded by Commissioner Matz and carried the following vote:

AYE: Commissioners Rosenbaum, Matz and Valencia

NAY: None

ABSTAIN: Judge Garza as to the following claims:
E. de la Garza, Inc.:
Warrant No. 82802 in the amount of \$6,442.67,
Warrant No. 82803 in the amount of \$5,991.12,
Warrant No. 82804 in the amount of \$883.48,
Warrant No. 82808 in the amount of \$9,977.15,
Warrant No. 82984 in the amount of \$1,338.24, and
Warrant No. 82985 in the amount of \$371.32;
Brownsville Community Health Clinic:
Warrant No. 82825 in the amount of \$233.71.

Commissioner Cascos as to the following claims:
Landair Travel, Inc.:
Warrant No. 83085 in the amount of \$827.00.
Waters Implement Co. Inc.:
Warrant No. 83251 in the amount of \$21.72,
Warrant No. 83252 in the amount of \$41.36, and
Warrant No. 83253 in the amount of \$334.11.

The Affidavits are as follows:

(2) APPROVAL OF BUDGET AMENDMENTS AND/OR SALARY SCHEDULES

Ms. Rosemary Martinez, Budget Officer, noted that there were no Budget Amendments or Salary Schedules for approval at this time.

Commissioner Matz moved that the absence of Budget Amendments and/or Salary Schedules be acknowledged.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(3) APPROVAL OF MINUTES' OF AUGUST 3 AND AUGUST 10, 1993

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Minutes' of the Regular Meeting held on August 3, 1993 at 1:30 P. M. and of the Regular Meeting held on August 10, 1993 at 1:30 P. M. were approved.

At this time, Commissioner Valencia referred to the Minutes of August 10, 1993, Item No. 25, noting that "Palma Lane" should read "Paloma Lane" on the "List of Roads for Traffic Signs" document.

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(4) AUTHORIZATION TO CANVASS THE ROAD BOND ELECTION AND THE CREATION OF DRAINAGE DISTRICT NO. 5 ELECTION OF AUGUST 14, 1993

At this time, Ms. Tencha de la Peña, Elections Administrator, informed the Court that with the assistance of the County Clerk's Office and the County Judge's Office, they would proceed to compare the returns.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Elections Administrator was directed to canvass the Election Returns for the Road Bond Election and the Creation of the Drainage District No. 5 Election held August 14, 1993.

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(5) CONSIDERATION OF REQUEST BY MS. TENCHA DE LA PENA, ELECTIONS ADMINISTRATOR, FOR A CAR TELEPHONE MONTHLY FEE

Commissioner Matz moved that the request by the Elections Administrator for car telephone fees be approved, said monthly fees not to exceed the amount of \$20.00.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(6) ACKNOWLEDGEMENT OF TOLL BRIDGE EMPLOYEE WHO WILL BE DEPUTIZED BY THE TAX ASSESSOR COLLECTOR TO SELL 24 HOUR PERMIT

Mr. Tony Yzaguirre, County Tax Assessor-Collector, explained that he had received numerous requests from Brokers wanting to sell twenty-four (24) hour trailer permits but that there were no existing facilities at the Los Indios Bridge Area. He stated that the matter was discussed with the Bridge Systems Director and the suggestion was made to deputize an employee in order for that person to sell the permits from the Los Indios Bridge.

At this time, Mr. Joe Galvan, Bridge Systems Director, stated that the Project would greatly improve the services provided by the County and added that Mr. Rodney Corkill would be deputized and given the proper training in order to sell the permits.

Commissioner Valencia moved that Mr. Rodney Corkill, deputized by the Tax Assessor Collector to be the person responsible to sell twenty-four (24) hour trailer permits at the Los Indios Bridge, be acknowledged.

The motion was seconded by Commissioner Matz and carried unanimously.

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(7) APPROVAL TO ADVERTISE FOR BIDS FOR THE NEW JUVENILE DETENTION CENTER

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the advertisement for bids for the New Juvenile Detention Center was approved.

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(8) IN THE MATTER OF THE REQUEST FOR THE COUNTY TO FUND OFFICE LEASE IN HARLINGEN FOR FISCAL YEAR 1993/1994 FOR THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (REJECTED)

Commissioner Matz moved to certify that funds are not available for the County to fund the Office Lease in Harlingen, Texas, for the Fiscal Year 1993/1994, for the Community Supervision and Corrections Departments.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(9) AUTHORIZATION TO ADVERTISE FOR CARPETING FOR VARIOUS DEPARTMENTS

Commissioner Rosenbaum reported that he had inspected the conditions of the carpet areas throughout the Building, and based on the findings, he recommended that the carpeting be replaced as scheduled, and suggested that runners be placed in the "bubbled" areas of the carpet at the County Clerk's Judicial Section.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the advertisement for bids for Carpeting in various Departments was approved, as outlined by Mr. Pete Blanco, Building Superintendent, and recommended by Commissioner Rosenbaum.

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**(10) AUTHORIZATION TO DISCUSS REQUIRED
MAINTENANCE AT THE CAMERON COUNTY AIRPORT**

Commissioner Matz reported on the activities at the County Airport and explained that repairs and maintenance were needed at the Cameron County Airport for public safety.

At this time, Mr. Robert Steenbock, Vice President of Southwind Aviation, Incorporated, appeared before the Court and explained that the Airport runway lights were not functioning in a manner conducive to the safety of the public and were not visible due to high grass. He referred to the following "Grant Agreement" that specified the County's responsibility to provide for the operation and maintenance of the Airport, and he presented the following Petition that expressed the concerns regarding the poor conditions with the Airport lighting:

There was some discussion concerning the telephone quotes received for the lights at the Airport, the roof repairs and the need to solicit bids for cutting the grass on an annual basis.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the County Engineer was directed to continue to solicit proposals for the Airport lights and to place the "awarding of lights" on the Agenda in one (1) week, to solicit proposals for the roof repairs, and to place bids for "grass-cutting" on an annual basis.

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(11) **APPROVAL OF REQUEST FOR MOBILE BEACH
VENDING PERMIT FOR MR. FRANCISCO TORRES
HERNANDEZ, DBA EL REY DEL ELOTE**

Commissioner Valencia moved that the Mobile Beach Vending Permit for Mr. Francisco Torres Hernandez, dba El Rey del Elote be approved, subject to legal review.

The motion was seconded by Commissioner Matz and carried unanimously.

The Mobile Beach Vending Permit is as follows:

**(12) APPROVAL OF APPLICATION FOR RENEWAL OF
MOBILE BEACH VENDING PERMIT NO. 2468 TO MR.
FRANCISCO TORRES HERNANDEZ, DBA EL REY DEL
ELOTE.**

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the renewal Application of the Mobile Beach Vending Permit No. 2468 to Mr. Francisco Torres Hernandez, dba El Rey del Elote, was approved, subject to legal review.

The Mobile Beach Vending Permit is as follows:

(13) **APPROVAL OF RENEWAL OF MOBILE BEACH
VENDING PERMIT NO. 2528 FOR MR. JUAN TORRES, JR.
DBA SUPER CORN**

Commissioner Valencia moved that the Mobile Beach Vending Permit No. 2528 for Mr. Juan Torres, Jr. dba Super Corn, be approved, subject to legal review.

The motion was seconded by Commissioner Matz and carried unanimously.

The Mobile Beach Vending Permit is as follows:

(14) AUTHORIZATION OF CHANGE ORDER NO. 3 FOR ANDY BOWIE DEVELOPMENT CONTRACT NO. 2 WITH PEACOCK CONSTRUCTION

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, Change Order No. 3 for the Andy Bowie Development Contract No. 2 with Peacock Construction was approved.

The Change Order is as follows:

(15) **AUTHORIZATION TO AMEND LOS TOMATES BRIDGE SURVEY CONTRACT BY AN ADDITIONAL \$3,400.00 DUE TO GSA SITE WORK REQUIREMENTS**

Commissioner Rosenbaum moved that the Amendment of Los Tomates Bridge Survey Contract for an additional amount of \$3,400.00 be approved, said change due to Government Services Administration (GSA) site work requirements.

The motion was seconded by Commissioner Matz and carried unanimously.

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(16) **IN THE MATTER OF PRELIMINARY AND FINAL APPROVAL (TABLED)**

Upon motion by Commissioner Cascos, seconded by Commissioner Rosenbaum and carried unanimously, the following subdivisions were **TABLED**:

- a) Precinct No. 2 - Garden Acres Subdivision No. 2 - being 10.00 acres Block 21, Olmito Garden Tract No. 1, Share 15 Espiritu Santo Grant;
- b) Precinct No. 2 - Rodolfo Garcia Subdivision - being a replat of 0.572 acre out of a 6.528 acre tract in Block 149, El Jardin Subdivision, Share 27 Espiritu Santo Grant, Located on the North side of Morrison Road approximately 1/4 mile east of Old Port Isabel Road;
- c) Precinct No. 3 - Zuniga Acres Subdivision - being 9.70 acres out of the Northwest 1/4 Block 242 of the San Benito Irrigation Company Subdivision, Share No. 1, Espiritu Santo Grant; and
- d) Precinct no. 2 - Country Gardens Subdivision - being a 14.4 acres of land west 5.00 acres out of Block 25, Olmito Garden Tract No. 1.

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(17) **AUTHORIZATION FOR THE ENGINEERING DEPARTMENT TO INVESTIGATE OPTIONS FOR OFFICE RELOCATION AND BEGIN PRELIMINARY NEGOTIATIONS**

Mr. Andy Cueto, County Engineer, explained that more Office space was needed and reviewed the increased activities and the available resources in the County Engineer's Office and requested Court authorization to investigate the options available in order to relocate the Office.

At this time, Commissioner Valencia expressed his reservations regarding the relocation of the County Engineer's Office to another site, and the suggestion was made that the matter of relocation could be investigated but no negotiations could be made.

Commissioner Matz moved that the Engineering Department be directed to investigate the options for Office Relocation.

The motion was seconded by Commissioner Cascos and carried the following vote:

AYE: Commissioners Matz and Cascos and Judge Garza

NAY: Commissioners Valencia and Rosenbaum.

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(18) **APPROVAL TO ALLOW THE HEALTH DEPARTMENT TO SOLICIT BIDS FOR A TELEPHONE SYSTEM FOR NEW CLINIC**

Upon motion by Commissioner Cascos, seconded by Commissioner Valencia and carried unanimously, the Health Department was authorized to solicit bids for a Telephone System for the new Health Clinic.

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(19) **APPROVAL OF A RESOLUTION RECOGNIZING THE IMPORTANCE OF EDUCATING THE LOWER RIO GRANDE VALLEY RESIDENTS REGARDING POLLUTION PREVENTION THROUGH AVOIDING WATER POLLUTION AND RECYCLING USED OIL**

Commissioner Cascos moved that the Resolution recognizing the importance of educating the Lower Rio Grande Valley Residents regarding Pollution Prevention, through avoidance of polluted water and recycling used oil, be adopted.

The motion was seconded by Commissioner Valencia and carried unanimously.

The Resolution is as follows:

(20) APPROVAL FOR MEMBERSHIP DUES TO THE VALLEY PROUD ENVIRONMENTAL COUNCIL IN THE AMOUNT OF \$2,500.00

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the Valley Proud Environmental Council Membership dues, in the amount of \$2,500.00, were approved.

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(21) AUTHORIZATION TO PURCHASE PERSONAL COMPUTERS UTILIZING GENERAL SERVICES COMMISSION - STATE CONTRACT FOR VARIOUS DEPARTMENTS 1992/1993 EQUIPMENT LIST

Commissioner Matz moved that the purchase of Personal Computers utilizing the General Services Commission - State Contract for various Departments, based on the 1992/1993 Equipment List, be authorized.

The motion was seconded by Commissioner Cascos and carried unanimously.

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(22) APPROVAL TO ADVERTISE FOR BIDS FOR AT LEAST 6, NOT MORE THAN 10 VEHICLES, FOR LEASE TO THE CAMERON COUNTY DRUG ENFORCEMENT TASK FORCE FOR ONE (1) YEAR BEGINNING ON OR ABOUT OCTOBER 1, 1993, TO SEPTEMBER 30, 1994

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the advertisement for bids for at least six (6), but not more than ten (10) vehicles, for lease by the Cameron County Drug Task Force was authorized, said Lease to be for a period of one (1) year beginning on or about October 1, 1993, to September 30, 1994.

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(23) AUTHORIZATION TO AWARD BID FOR LEASE PURCHASE OF ONE (1) BACKHOE FOR PRECINCT NO. 3

Commissioner Matz moved that the low bid of Case Power and Equipment, San Benito, Texas, in the amount of \$51,542.90, be accepted for the Lease Purchase of one (1) backhoe for Precinct No. 3.

The motion was seconded by Commissioner Valencia and carried unanimously.

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(24) AUTHORIZATION TO AWARD BID FOR CASH PURCHASE OF ONE (1) TRACTOR WITH SHREDDER FOR PRECINCT NO. 4

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the low bid by Barbee Neuhaus, Weslaco, Texas, in the amount of \$23,797.00, was accepted for the cash purchase of one (1) tractor with shredder for Precinct No. 4.

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(25) AUTHORIZATION TO AWARD BIDS FOR LASER PRINTING OF THE 1993 TAX STATEMENTS AND ENVELOPES FOR THE TAX DEPARTMENT

Commissioner Cascos moved that the low bid of Laser Printers, San Antonio, Texas, be accepted for the laser printing of the 1993 Tax Statements and Envelopes for the Tax Department.

The motion was seconded by Commissioner Rosenbaum and carried unanimously.

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(26) AUTHORIZATION TO ADVERTISE FOR CASH OR LEASE PURCHASE OF ONE (1) PNEUMATIC ROLLER FOR PRECINCT NO. 4

Upon motion by Commissioner Cascos, seconded by Commissioner Matz and carried unanimously, the advertisement for the cash or lease purchase of one (1) pneumatic roller for Precinct No. 4 was approved.

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(27) AUTHORIZATION TO TRAVEL/OR APPROVAL OF TRAVEL EXPENSES

Upon motion by Commissioner Valencia, seconded by Commissioner Matz and carried unanimously, the following travel and/or travel expenses were approved, subject to availability of funds in their budget:

- a) Ms. Guadalupe Vallejo, Health Department Registered Nurse, to attend "Pediatric Physical Assessment" Conference in San Antonio, Texas, on August 19-20, 1993;
- b) Constable Juan B. Sanchez, Precinct No. 3, to travel to Galveston, Texas, on August 25, 1993, to attend one (1) day Seminar of Post Judgement Remedies;
- c) Judge Sallie Gonzalez, Justice of the Peace Precinct No. 6, to travel to Galveston, Texas, to attend the Post Judgement Remedies and Eviction Process Seminar;
- d) Mr. Andy Cueto, County Engineer, to attend the American Society of Civil Engineers (ASCE) National Convention in Dallas, Texas, on September 24 - 29, 1993;
- e) Mr. Frank Bejarano, Program Development and Management Director, and Mr. Alfonso Garcia, Community Development Coordinator, to travel to Austin, Texas, for a meeting with the Texas Department of Housing and Community Affairs on 1993 Grant Applications;
- f) Mr. Tony Yzaguirre Jr, Tax Assessor Collector, to attend the 54th Texas Association of Assessing Officers Annual Conference on August 28 - 31, 1993, in Corpus Christi, Texas; and
- g) Mr. Joe G. Rivera, Cameron County Clerk, to travel to Secretary of State Election Seminar in Austin, Texas, on August 11 - 13, 1993.

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(28) EXECUTIVE SESSION

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court met in Executive Session at 10:05 A. M. to discuss the following matter:

- a) Discuss Assistant County Engineer and Engineer-in- Training personnel matters, pursuant to Section 2(g) of Article 6252-17 (of the Texas Revised Civil Statutes).

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the Court reconvened in Regular Session at 10:20 A. M.

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(29) ACTION RELATIVE TO EXECUTIVE SESSION

- a) Action regarding discussion of personnel matters for Assistant County Engineer and Engineer-in-Training.

Judge Garza reported that after some discussion, it was the consensus of the Court as determined by polling, that the Court would re-consider the Budget and that the position of Assistant County Engineer, Salary Slot No. 05, with the present salary of \$37,596.00 would be increased to \$42,596.00, and the position of Engineer-in-Training, Salary Slot No. 20, with a present salary of \$31,950.00, would be increased to \$32,000.00, effective October 1, 1993.

Upon motion by Commissioner Matz, seconded by Commissioner Valencia and carried unanimously, the position of Assistant County Engineer, Salary Slot No. 05, was increased from the present salary of \$37,596.00 to \$42,596.00 and the position of Engineer-in- Training, Salary Slot No. 20, was increased from the present salary of \$31,950.00 to \$32,000.00, effective October 1, 1993.

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(4) AUTHORIZATION TO CANVASS THE ROAD BOND ELECTION AND THE CREATION OF DRAINAGE DISTRICT NO. 5 ELECTION OF AUGUST 14, 1993

At this time, Ms. Tencha de la Peña, Elections Administrator, reported that the total votes cast for the Road Bond Election were 4597 and the total votes cast for the Drainage District No. 5 Election were 1255 and noted that no significant changes were found.

Upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the canvassing of the election returns of the Road Bond Election and the Creation of Drainage District No. 5 Election held August 14, 1993, were acknowledged.

The Canvass Report is as follows:

There being no further business to come before the Court, upon motion by Commissioner Matz, seconded by Commissioner Cascos and carried unanimously, the meeting was adjourned.

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APPROVED this **31st** day of **August**, 1993.

ANTONIO O. GARZA, JR.
COUNTY JUDGE

ATTEST:

JOE G. RIVERA,
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE COMMISSIONERS' COURT OF
CAMERON COUNTY, TEXAS